

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

	)	
ZIH CORP.,	)	
	)	
Plaintiff,	)	CA No. 03-CV-12358-DPW
	)	(Alexander, M.J.)
v.	)	
	)	
PAXAR CORPORATION	)	
	)	
Defendant.	)	
	)	

**PAXAR’S UNOPPOSED MOTION FOR LEAVE TO RESPOND TO ZIH’S  
STIPULATION REGARDING PAXAR’S MOTION TO TRANSFER**

Paxar Corporation moves for leave to file a short response to ZIH Corporation's stipulation filed in response to this Court's order of January 26, 2004, regarding Paxar's motion to transfer. At the hearing on January 26, this Court expressed concern for the possibility of conflicting rulings between this Court and the Southern District of Ohio. The Court thus asked ZIH whether it would raise the two patents-in-suit (the '343 and '753 patents) in the first-filed Ohio action. ZIH has now answered the Court, but ZIH's response does not reveal all of the potential conflict that could occur between this litigation and the litigation pending in Ohio. A response is necessary to prevent confusion.

ACCORDINGLY, Paxar Corporation respectfully requests that the Court consider the short response (2½ pages) accompanying this motion.

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1**

The undersigned certifies that, on February 2, 2003, counsel for Defendant Paxar Corp., Erik Paul Belt, conferred by telephone with counsel for Plaintiff ZIH Corp., Douglas Kline, in a

good faith attempt to resolve or narrow the issues presented by this motion. Mr. Kline agreed that ZIH will not oppose the request for leave to file the response.

Date: February 2, 2004

Respectfully submitted,

PAXAR CORPORATION

By its Attorneys,

/s/ Erik Paul Belt

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